

[FPC] FIREARMS POLICY COALITION

February 8, 2023

The Honorable Jamie Becker-Finn
Chair, Judiciary Finance and Civil Law Committee
559 State Office Building
St. Paul, MN 55155

The Honorable Cedrick Frazier
Vice Chair Judiciary Finance and Civil Law Committee
439 State Office Building
St. Paul, MN 55155

RE: House File 15 (Frazier) - Extreme Risk Protection Orders (ERPO)
POSITION: OPPOSE

Dear Representatives Becker-Finn and Frazier, and Honorable Members of the Judiciary Finance and Civil Law Committee,

I respectfully submit this written comment on behalf of my client, the Firearms Policy Coalition (FPC), a non-profit organization that promotes maximal individual liberty and sound public policy through litigation, research, education, grassroots outreach, and direct advocacy, to express their strong opposition to HF 15 (Frazier) a measure, that seeks to circumvent due process and the fundamental right to keep and bear arms.

- HF 15 empowers certain persons and government officials to file clandestine protection orders to deprive the subject of their civil liberties and their right to keep and bear arms.
- The measure allows law enforcement, and government attorneys— to move to deny a person's rights, who has not been evaluated by a professional or convicted of a crime.
- It has no provisions for a jury trial or court-appointed attorney to represent an accused individual during the proceedings, the subject having to bear the burden of defense against the power of the state, disproportionately impacting those of modest means.
- HF 15 offers no assessment, evaluation, counseling, follow-up, intervention, nor treatment for the subject of an "ERPO"—implying the subject is not actually an "extreme risk."
- Secret ex-parte hearings and surprise seizure of firearms may serve to discourage gun owners from seeking counseling or other therapeutic care.
- If the government does not have enough evidence to investigate or charge a person with a crime or hold them for a mental health evaluation, then the government has not met its burden for taking away rights and property under any scheme.

We find that HF 15 so offends the rights of the People, subverts the core precepts of our society concerning due process, fairplay, and depriving individuals of their fundamental rights that the measure can not be corrected and should be rejected, if not withdrawn from consideration.

Thank you for your consideration and please do not hesitate to contact us at policy@fpchq.org or 1215 K Street, 17th Fl., PMB 3003, Sacramento, CA 95814 or (916) 378-5785, if we can be of any assistance.

Sincerely,



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Cc: Author; Members of the Judiciary Finance and Civil Law